

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

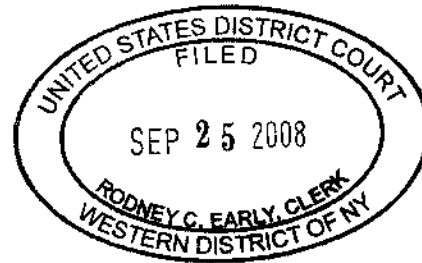
DAEVON LYONS,

Plaintiff,

-vs-

MICHAEL McGINNIS, et al.,

Defendants.



ORDER

04-CV-6157

Plaintiff, Daevon Lyons, an inmate in the custody of the New York State Department of Correctional Services, filed a motion for injunctive relief on August 18, 2008 (Dkt. #202). On September 16, 2008, plaintiff filed a motion for a hearing on his motion for injunctive relief (Dkt. #206).

The motions are denied. In order to obtain preliminary injunctive relief in this circuit, a movant must show: (1) irreparable harm in the absence of the relief sought and (2) either (a) a likelihood of success on the merits or (b) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in the movant's favor. *Donninger v. Niehoff*, 527 F.3d 41, 47 (2d Cir. 2008); *Sunward Elecs., Inc. v. McDonald*, 362 F.3d 17, 24 (2d Cir. 2004). Plaintiff has not carried that burden.

CONCLUSION

Plaintiff's motion for injunctive relief (Dkt. #202) is denied. Plaintiff's motion to expedite a hearing on his motion for injunctive relief (Dkt. #206) is also denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Court

Dated: September 24, 2008
Rochester, New York